

Applicant: Paul R. Rivera

Agent: Arch & Plan Land Use Consultants LLC

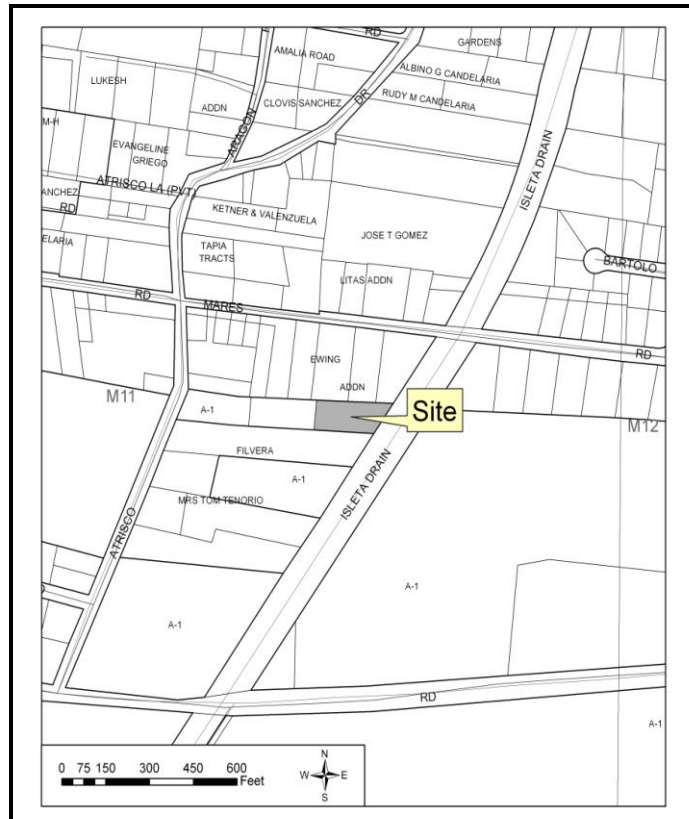
Location: 1716 Atrisco Dr. SW

Property Size: .52 acres (approximately)

Existing Zone: A-1

Proposed Request: R-1

Recommendation: Approval



Summary: The applicant is requesting a zone map amendment from A-1 to R-1 for a .52 acre (approximately) tract of land located at 1716 Atrisco Drive SW, approximately 755 feet north of the Arenal Road and Atrisco Drive intersection. The subject site is located in the Semi Urban Area as designated in the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area Three (3) of the Southwest Area Plan.

Staff Planner: Adella Gallegos, Associate Program Planner

Attachments:

1. Application
2. Amendment to Application
3. Land Use Map

Bernalillo County Departments and other interested agencies reviewed this application from 4/27/10 to 5/10/10. Agency comments are verbatim and were used in preparation of this report, which begin page 9.

AGENDA ITEM NO.: 10
County Planning Commission
June 2, 2010

CZ-20100005 Arch & Plan Land Use Consultants LLC, agent for Paul R. Rivera, requests a zone map amendment from A-1 to R-1 on Lot 1, Filvera Subdivision, located at 1716 Atrisco Road SW, and containing approximately .52 acres. (M-11)

Surrounding Zoning & Land Uses

Site	Zoning	Land Use
	A-1	Residential Dwellings
North	R-1	Residential Dwellings
South	R-1	Residential Dwellings
East	R-1 and A-1	Isleta Drain and Vacant Land
West	R-1 and A-1	Vacant Land Residential Dwellings

BACKGROUND:

The Request

The applicant is requesting a zone map amendment from A-1 to R-1 for a .52 acre (approximately) tract of land located at 1716 Atrisco Drive SW, situated approximately 755 feet north of the Arenal Road and Atrisco Drive intersection. The subject site is developed with a residential dwelling; however, a subdivision is in process that includes the subject site (SRP-20100024).

Surrounding Land Use and Zoning

The subject site is dominated by residential development and is predominately surrounded with R-1 zoning. The subject site is contiguous to R-1 zoning on the north and south with the properties developed with residential dwellings. A-1 zoning exist west of the site that is owned by the applicant's family. West of Atrisco Drive exist a large vacant A-1 zoned parcel that is currently under review for a Special Use Permit for a Planned Development Area (CSU-70024) on approximately 17.77 acres with a proposed density of three dwelling units per acre.

In the general vicinity, in addition to the subject site, there are several parcels that are zoned A-1. The largest parcel situated east of the Isleta Drain and North of Rio Grande High School, which is undeveloped and used for alfalfa farming.

The most current zoning activity in the area was the approval of zone map amendment to R-1 adjacent to the subject site on the south (CZ-70006). A request for a Special Use Permit for a Planned Development Area east of the subject site is currently scheduled to be heard by the Planning Commission at the September 1, 2010 hearing (CSU-70024).

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is within the Semi Urban Area as designated in the Comprehensive Plan. The goal in the Comprehensive Plan is to "maintain the character and identify of semi urban areas, which have environmental, social or cultural conditions limiting urban land uses."

Policy a states that "development in the semi-urban area shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; the overall gross density shall be up to three dwelling units per acre."

Policy b states "development in semi-urban areas shall include trail corridors, where appropriate, and shall be compatible with economic policies and historical and socio-cultural values, and shall maintain and integrate existing and new buildings and spaces of local significance into the community."

Southwest Area Plan (SWAP)

This site is located within Residential Area Three of the Southwest Area Plan, which allows a minimum of three dwelling units per acre when City sewer is available, or a maximum of one dwelling unit per net acre when using individual liquid waste disposal systems.

Policy 29 states “The City and County shall stabilize residential zoning and land use in the Plan area.”

- f) Encourage stabilization of residential land use through subdivision design and scale

Policy 30 states “Allow up to three dwelling units per net acre in Residential Area 3 when City sewer is available, or a maximum of one dwelling unit per acre when using individual liquid waste disposal systems.”

Policy 34 state “Standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties.”

- a. Outdoor light poles within residential areas should not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.

Bernalillo County Zoning Ordinance

Resolution 116-86 defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans, which have been adopted by the BCC.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. An error in the original zone map.
 - 2. Changed neighborhood conditions, which justifies a change in land use or
 - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the BCC.

- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a “strip zoning.” Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:
- K. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
- L. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

R-1 Zone Area Regulations:

“Minimum Lot Area and Lot Width for the R-1 zone requires that: “every lot to have a minimum area of not less than three-quarters (of an) acre and a minimum lot width of 60 feet, except that where community water and sewer facilities are available, the lot area may be decreased to 8,000 square feet if located in the Developing, Established or Central Urban Areas, or 14,520 square feet if located in the Semi-Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan.”

ANALYSIS:

Surrounding Land Use and Zoning

The subject site is located in an area that is dominated by residential development and predominately zoned R-1. There are a number of A-1 parcels that exist in the general vicinity. The largest parcel located just east of the Isleta Drain on Arenal Road across from Rio Grande High School is vacant and being utilized to farm alfalfa. This area of the South Valley is serviced by Albuquerque Bernalillo County Water and Wastewater Utility Authority, sewer and water is available and is already being utilized.

Plans

Albuquerque/Bernalillo County Comprehensive Plan

Policy (a) of the Comprehensive Plan recommends that development in the semi-urban area shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, and agricultural potential, flood potential, scenic qualities, recreation potential and existing development that includes an overall gross density of up to three dwelling units per acre. This request appears to facilitate the Comprehensive Plan in that proposed use is consistent with existing development and density criteria.

Southwest Area Plan (SWAP)

Policy 26 of the Southwest Area Plan recommends up to three dwelling units per net acre in Residential Area 3 when City sewer is available to the subject site.

Given the location of this parcel in relation to the Comprehensive Plan and the Southwest Area Plan, this request is not in significant conflict with the elements of these plans and appears to be consistent with the criteria as it relates to densities requirements for this area of the South Valley in addition to water and sewer being available to the subject site.

Zoning Ordinance

This request would not result in a “spot zone” as residential zoning surrounds the site and R-1 zoning dominates the general vicinity. The minimum lot area and lot width for the R-1 zone requires that: every lot to have a minimum area of not less than three-quarters (of an) acre and a minimum lot width of 60 feet, except that where community water and sewer facilities are available. The site is located in the in the Semi-Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan where the minimum lot area of 14,520 square feet is required.

Agency Comments

The Environmental Health Division has noted that the two driven wells on the subject site are required to be permitted and is asking for clarification on the method of wastewater disposal

used for mobile home, whether septic tanks are being utilized and for verification that all structures are connected to ABCWUA sewer utilities.

The Building Division has noted that a new building permit will be required and that the owner must obtain inspections and a certificate of occupancy for the house built on property.

Analysis Summary

Zoning	
Resolution 116-86	This request does not constitute a “spot zone” as the site is surrounded with residential zoning and R-1 zoning dominates the general vicinity.
	This request is consistent with Resolution 116-86 in that there have been changed community conditions that are consistent with this request.
Plans	
Comprehensive Plan	Consistent with density policy for the Semi Urban Area
Southwest Area Plan	Consistent with Southwest Area Plan, Policy 29 for Residential Area Three, which allows a density of up to three dwelling units per net acre in Residential Area 3 when City sewer is available.
Other Requirements	
Building Division	A new building permit, inspections and a certificate of occupancy
Environmental Health	Driven wells are required to be permitted, clarification on the method of wastewater disposal, and verification that all structures are connected to ABCWUA sewer utilities.

Conclusion

The subject site is located in an area that is dominated by residential development and surrounded by R-1 zoning. It appears that this request for a zone map amendment would not constitute a “spot zone”.

Resolution 116-86 states criteria for evaluating a zone change requires that the proposal clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area plan. Based on the applicable plans for this area of the South Valley, it appears that the proposed request for a zone map amendment can assure the integrity of the existing neighborhoods and is consistent with the recommended residential densities of the Comprehensive Plan and the Southwest Area Plan.

RECOMMENDATION:

Approval of CZ-20100005 is recommended based on the following Findings.

Adella Gallegos
Associate Program Planner

Findings:

1. This is a request of a zone map amendment from A-1 to R-1 on Lot 1, Filvera Subdivision, located at 1716 Atrisco Rd. SW, containing approximately 1.57 acres.
2. The property is located in the Semi Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area 3 of the Southwest Area Plan.
3. The request is consistent with Resolution 116-86 in that it does not constitute a "spot zone" as R-1 zoning surrounds the site.
4. The request is consistent with Resolution 116-86 in that changed neighborhood conditions have occurred in the immediate area with residential development that justifies the request.
5. This request is consistent with health, safety, and general welfare of the residents of the County.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Environmental Health: No adverse comment.

Upon site visit on 5/6/10, EH staff was able to identify at least two unpermitted driven wells on this property. All wells in Bernalillo County must have permits from NMSEO as well as BCEH. Applicant shall clarify what method of wastewater disposal is used for mobile home on NE portion of property and identify whether septic tanks are used on this parcel. Applicant shall also verify that all structures are indeed connected to ABCWUA sewer utilities.

Fire:

Approved numbers or addresses shall be placed on all new and existing building in such a position as to be plainly visible and legible from the street or road fronting the property and shall contrast with their background. Numerics shall be a minimum of 4 inches in height.

Streets and roads shall be identified with approved signs.

A fire hydrant is required to be installed at the end of the road at the Cul-de-sac.

Approval and/or occupancy pending approved water supplies for fire protection.

Fire hydrants are generally installed according to spacing criteria that varies according to proposed land use. These hydrants may be required to be supplemented with additional hydrants when actual development takes place.

Zoning Administrator: No comments received.

Zoning Enforcement Manager: No comments received.

Building Department Manager: .

Must obtain inspections and certificate of occupancy for house built on property. Will require new building permit.

Public Works:

Dran: At the time of Development, Owner will be required to submit a Grading and Drainage Plan as well as a Traffic Scoping Report. Improvements maybe required.

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Parks & Recreation:

Informational Comment: the 2030 Metropolitan Transportation Plan Long Range Bikeway System map designates a proposed trail along the Isleta Drain.

Sheriff's: No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG: MRCOG staff has no comment on the application.

MRGCD:

1. Please see MRGCD comments on SRP-20100024.
2. Previously reviewed on 03/18/2010.
3. Please add specific R/W for the Isleta Drain to match mrgcd records.
4. Final Plat Approval signature required by the MRGCD.

AMAFCA: No comment.

City Planning Department/Development Services: No comments received

Municipal Development Department:

Transp. Planning & Development: No adverse comments.

City Transit: No comments.

ABCWUA/Utility Development Section: No comments received.

City Environmental Health: No comments received

City Open Space: City Open Space has no adverse comments.

NM Department of Transportation: No objections to the zoning change request.

Albuquerque Public School: No comments received

NM Gas Co.: No Adverse Comment.

PNM: PNM has no comments based on information provide to date.

NEIGHBORHOOD ASSOCIATIONS:

South Valley Coalition of Neighborhood Associations

South Valley Alliance of Neighborhoods

Foothill Neighborhood Association

FINDINGS:

1. This is a request for a zone map amendment from A-1 to R-1 on Tract 4, Filvera Subdivision, LD-70-289, located at 1726 Atrisco Road SW, containing approximately 1.57 acres.
2. The property is located in the Semi Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area 3 of the Southwest Area Plan.
3. The request is consistent with Resolution 116-86 in that it does not constitute a "spot zone" as R-1 zoning surrounds the site.
4. The request is consistent with Resolution 116-86 in that changed neighborhood conditions have occurred in the immediate area with residential development that justifies the request.
5. This request is consistent with the health, safety, and general welfare of the residents of the County.

COUNTY PLANNING COMMISSION

June 2, 2010

CZ-20100005